

FILED

FEB 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAN C. RUST,

Plaintiff - Appellant,

v.

CARONDELET HEALTH CARE AND
HEALTH NETWORK, aka: Carondelet -
St. Joseph's Hospital Inc.,

Defendant - Appellee.

No. 05-15490

D.C. No. CV-02-00440-JMR

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
John M. Roll, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Jan Rust appeals pro se from the district court's summary judgment
dismissing her retaliation action against her former employer, Carondelet Health

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Network (“CHN”). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Porter v. California Dep’t of Corrections*, 419 F.3d 885, 891 (9th Cir. 2005), and we affirm.

The district court properly concluded that Rust failed to establish a prima facie claim of retaliation. *See id.* at 894. Although dissemination of an adverse employment reference can amount to an adverse employment action, Rust failed to submit sufficient evidence from which a reasonable juror could find that CHN gave Rust a negative employment reference. *See Hashimoto v. Dalton*, 118 F.3d 671, 674 (9th Cir. 1997).

Rust’s remaining contentions lack merit.

AFFIRMED